

Serial No. 44539

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 1 1981

Returned to applicant for correction _____

Corrected application filed _____ Map filed OCT 1 1981

The applicant Roy C. and Mary Annah Smith

P.O. Box 428 of Perris
Street and No. or P.O. Box No. City or Town

CA 92370 hereby make application for permission to change the
State and Zip Code No.

Place of Use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under the McAfee Creek Decree, Proof
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
02733, Certificate 450
identify right in Decree.)

1. The source of water is McAfee Creek
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 8.476 CFS, 1468.5 AFY
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Irrigation, Stockwatering & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Irrigation, Stockwatering & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 4S., T. 35E., M.D.B. & M.
Describe as being within a 40-acre subdivision of public survey and by course and
or at a point from which the N $\frac{1}{4}$ Corner of said Sec. 2 bears N 58° 59' E a
distance to a section corner. If on unsurveyed land, it should be stated.
distance of 2664.4 feet.
6. The existing permitted point of diversion is located within No change
If point of diversion is not changed, do not answer.
7. Proposed place of use Portions of W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 26
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 35E. - 250.1 acres
Harvest, 64.0 acres Meadow Pasture, 26.0 acres Diversified Pasture.
8. Existing place of use See attached Exhibit "A"
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from As decreed to _____ of each year.
Month and Day Month and Day
10. Use was permitted from As decreed to _____ of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Diversion channel, reservoir and
State manner in which water is to be diverted, i.e. diversion structure, ditches,
irrigation system.
pipes and flumes, or drilled well, etc.
12. Estimated cost of works completed
13. Estimated time required to construct works completed

14. Estimated time required to complete the application of water to beneficial use..... 4 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be comingled with applications to change 30919,
30920, and 19452

By s/Bruce L. Rice
Bruce L. Rice, P.E.
Box 642
Bridgeport, CA 93517

Compared js/ ja/bt

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of McAfee Creek, as heretofore appropriated under Proof 02733 as appears in the McAfee Creek Decree entered July 9, 1973, in the District Court of the Fifth Judicial District of the State of Nevada, in and for the County of Esmeralda is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The total combined duty of water under Permits 44536, 44537, 44538, and 44539 shall not exceed 3,092 acre-feet annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 8.476 cubic feet per second, but not to exceed 1,468.5 acre-feet annually and not to exceed a yearly duty as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before August 25, 1983

Proof of completion of work shall be filed before September 25, 1983

Application of water to beneficial use shall be made on or before August 25, 1986

Proof of the application of water to beneficial use shall be filed on or before September 25, 1986

Map in support of proof of beneficial use shall be filed on or before September 25, 1986

Completion of work filed OCT 24 1983

Proof of beneficial use filed OCT 15 1986

Cultural map filed

Certificate No. 12493 Issued AUG 13 1990

IN TESTIMONY WHEREOF, I, PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 25th day of AUGUST

A.D. 1982

Peter G. Morros
State Engineer

EXHIBIT "A"

YEAR	H	CULTURE		SUBD.	SEC.	TNSP.	RGE.	CFS	A*F
		MP	DP						
1865	10.0			SW $\frac{1}{4}$ NW $\frac{1}{4}$	24			0.250	50.00
	40			NE $\frac{1}{4}$ SW $\frac{1}{4}$	"			1.000	200.00
	14			SW $\frac{1}{4}$ SW $\frac{1}{4}$	"			0.350	70.00
	40			SE $\frac{1}{4}$ SW $\frac{1}{4}$	"			1.000	200.00
	25			NW $\frac{1}{4}$ NW $\frac{1}{4}$	25			0.625	125.00
	40			NE $\frac{1}{4}$ NW $\frac{1}{4}$	"			1.000	200.00
	18.5	9.0		SW $\frac{1}{4}$ NW $\frac{1}{4}$	"			0.688	119.50
	14	26.0		SE $\frac{1}{4}$ NW $\frac{1}{4}$	"			1.000	148.00
	11.4	10	4	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"			0.635	91.00
		1		NW $\frac{1}{4}$ SE $\frac{1}{4}$	"			0.025	3.00
	18			SW $\frac{1}{4}$ SW $\frac{1}{4}$	"			0.450	90.00
		18	22	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"			1.000	76.00
	1.2			NE $\frac{1}{4}$ NE $\frac{1}{4}$	26			0.003	6.00
	11.0			SE $\frac{1}{4}$ NE $\frac{1}{4}$	"			0.275	55.00
	7.0			NE $\frac{1}{4}$ SE $\frac{1}{4}$	"			0.175	35.00
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	250.1	64.0	26.0					8.476	1468.50